

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Timothy S. Buckley, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Dennis A. Cornell, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Nick A. Grigsby, Deputy Clerk.

F033904 The People v. Willie P. Randle

Cause called and argued by Cynthia Thomas, Esq., counsel for appellant. Lloyd G. Carter, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until Tuesday, June 19, 2001 at 10:00 A.M.

F036004 Hillyer v. Germino, et al.

The order declaring that appellant's amended proposed petition would violate the no contest clause is reversed in part and affirmed in part. To the extent the first request for relief in the amended petition seeks a listing of the assets of the trust estate, we reverse the trial court's ruling that such an inventory would violate the no contest clause. To the extent the second through seventh requests for relief in the amended petition seek, upon probable cause, to invalidate a donative transfer to a presumptively disqualified person or to remove as the sole trustee such a person, we reverse the trial court's finding that Germino and Sheets were not donative transferees for purposes of section 23150, such determination being beyond the scope of a section 21320 proceeding; as a matter of statute, the enforceability of a no contest clause against appellant for purposes of this limited challenge cannot be determined in a section 21320 proceeding. In all other respects, we affirm the trial court's order declaring the amended petition would violate the no contest clause. Each party shall bear his own costs on appeal. Vartabedian, Acting P.J.

We concur: Buckley, J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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- F033941 In re the Marriage of GARRY and RHONDA FOSS**
The judgment is affirmed. Gomes, Pro Tem J.
We concur: Ardaiz, P.J.; Levy, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F034398 People v. Gervacio**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F033298 Central Upland Development, Inc. et al. v. Clovis Community Bank et al.**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F034188 People v. Estrada**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F037389 People v. The Superior Court of Tulare County; Almaraz**
We grant the writ of mandate and direct the trial court to vacate its order striking the prior convictions. The previously ordered stay of the proceedings below is lifted. Vartabedian, Acting P.J.
We concur: Levy, J.; Gomes, Pro Tem J.
[CERTIFIED FOR PUBLICATION]
- F033523 Gaeta et al. v. City of Bakersfield et al.**
The judgment in favor of the County is affirmed. The judgment in favor of defendants City of Bakersfield, Rea, Payne and Lynn is reversed for the reasons stated. The parties shall bear their own costs. Ardaiz, P.J.
We concur: Vartabedian, J.; Gomes, Pro Tem J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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- F036887 In re Marqus R. et al., Minors**
The judgment is affirmed with modifications. Dibiaso, Acting P.J.
We concur: Buckley, J.; Wiseman, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F037530 In re Jesus A., a Minor**
Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.
- F036585 In re Markeith C., a Minor**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F036585 In re Markeith C., a Minor**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F037704 In re Justyce C., a Minor**
No brief or request for extension of time having been filed within the time provided, the appeal is dismissed.
- F037754 People v. Gibbs**
No brief having been filed by appellant after notice duly given under rule 17(c) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.